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C O N F I D E N T I A L SECTION 01 OF 02 GUANGZHOU 032440

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SUBJECT: Trial of Sanshan Farmers Begins: More Protests to Follow?

Ref: A) Guangzhou 32380; B) Guangzhou 32369; C) Guangzhou 15624; D) Beijing 06612; E) Guangzhou 29647

11. (U) Classified by Consul General Robert Goldberg.  
Reason 1.4 (d).

12. (C) SUMMARY AND COMMENT: A Foshan court official has confirmed that the trial of seven farmers - accused of Triad-related extortion - from a village in Guangdong has begun; outside lawyers have been barred from participating in the case. The charges relate to protests over land seizures in the summer of 2005. International media attention may actually be worsening the legal situation for the farmers, according to activists familiar with the incident. The Beijing-based group Empowerment and Rights Institute (EARI), although officially disbanded, appear to be using the conflict as a testing ground to jumpstart its own moribund activities. If the farmers are sentenced, protests might ensue in Foshan, a city plagued by instability that has become a rallying point for South China's activists. END SUMMARY AND COMMENT

13. (U) The Associated Press reported that on December 19 a court official confirmed that the trial of seven farmers from Sanshan village in Foshan City had started and was expected to last two days. The farmers were affiliated with a June 2005 over a land contract, which allowed a businessman to build a fish farm on the land. The businessman allegedly signed the contract without the villagers' consent. According to Zhang Jiankang, a Shaanxi-based lawyer who is unofficially representing the farmers, the businessman's company negotiated with the farmers and offered them \$6,300 as compensation (equal to about \$25 per person involved), but the businessman's company later claimed the farmers had extorted it.

14. (C) During the June protest, local police violently suppressed the villagers, beating up some farmers and arresting seven representatives from the group, including: Liu Dehuo, Xiaobing (female), Chen Zhibiao, Chen Ningbiao, Cui Yongfa and Guo Jianhua. On July 9, 2006, the Nanhai District government claimed the seven farmers represented a Triad group engaged in "extortion and blackmail." (Comment: Charges of Triad connections, although appearing more politically motivated, were also mentioned during the November 8 protest in Foshan's Shunde District, during which 300 people were taken hostage, ref A. End Comment.). The trial had been scheduled on October 6, was postponed to

November 19, and was postponed once again. Congenoff had received email notice of the two previous trials, but the December 19 date appears to have been secretly announced. On December 20, the Deputy Director of the Nanhai Foreign Affairs Office said that his office was "not aware of the issue." If found guilty, the farmers could face between three-and-10 years in prison. (Note: In June, 12 people involved with the December 2005 Dongzhou protest, which led to the deaths of three villagers, received prison sentences of between three and seven years for illegally using explosive materials and "disturbing the public," ref C. End note.).

¶5. (U) Lawyers for the accused have been threatened throughout the case. Under political pressure, a lawyer from Shandong declined to continue the case. Meanwhile, Zhang Jiankang, the Shaanxi lawyer, told the Associated Press that he was stopped by police while traveling to Nanhai. "They asked me to stay away from the case. In the last few days I had been followed day and night by about six or seven policemen." Additionally, about 3,000 villagers have signed a petition to stop the land development, according to one media source.

Background: A Simmering Issue  
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¶6. (U) In 1992, Nanhai district began requisitioning land from Sanshan village for industrial development. Initially the farmers believed they were ensured the land would not be completely taken away and some received up to USD 1,235 in compensation. Then in October 2004, the district government decided to develop all of the village's land. In May 2005, a group of farmers discovered an original requisition contract, revealing that in 1992 Sanshan village leaders had agreed to let developers take all of the villagers' land. On July 2, during one of the many

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protests against the government's decision, an Amcit university student, who was filming the scene as part of a research project, was detained and released that night.

Outside Influence: Help or Harm?  
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¶7. (C) On December 20, Li Xiaolong, formerly of the Rights and Empowerment Institute (EARI, or Renjiquan, which was temporarily closed down in October 2005), a Beijing-based rights group, told Congenoff his organization has been "intensely following" the Sanshan incident. In July, 2005, EARI sent three Chinese nationals and one Amcit (the one later detained) to Nanhai to investigate the situation. According to Tang Jingling, a leading South China activist, in addition to Zhang Jiankang, activists "Maggie" Hou Wenzhou, Chen Huiying (aka Ai Ying) and lawyer Gao Feng have also been involved in the case.

¶8. (C) During the conversation with Congenoff, Li contacted lawyer Zhang Jiankang over the phone who confirmed that he has been barred from entering the village and that Hou Wenzhou and Ai Ying (who was sentenced to one year of "reform through labor") continue to face tight government surveillance of any political activities. Moreover, Zhang said that international media attention to the case may actually be worsening the farmer's due process, because local officials are worried about their reputation and are seeking a speedy trial. Li predicted that if the court's decision is particularly harsh, then there could be more protests in the village.

More Details on Activists' Methods and Funding  
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¶9. (C) Li also noted that besides Sanshan village, the disbanded EARI (which has tried to unofficially reformulate

with the members Li, Zhang Jiankang, and Beijing-based Hao Suqiang) is currently working on land conflict cases in Guangxi Autonomous Region, near Yulin city, and in Shandong province. Li said that because of the government's clampdown on the Rights Protection Movement (weiquan yundong, ref D) there are few new cases, but instead a focus to solve long-standing conflicts. In such protracted cases, EARI is attempting to first mediate between villagers and government officials. Li said this method has worked successfully in Guangxi. However, if government officials are unwilling to mediate, Li said that the second step is to threaten media attention and protest.

¶10. (C) Li outlined his three goals for EARI. First, he wants an office (with computers and around five full-time activists) for rights protection in each province. Li has written an article, entitled "The Fundament of Democracy," on why the movement needs a "basis" for activities. In the article he claims that China lacks organized groups focusing on rural rights protection; this forces activists to band together haphazardly during moments of crisis (such as Taishi in August 2005, ref E). Second, EARI hopes to write an annual human rights report (using the standards of the United Nations Human Rights Charter). Third, EARI wants to develop civil society education to teach the basic rights guaranteed by the U.N. Human Rights Charter (ref B). Li said that human rights education has been the most "neglected" aspect of China's political reform.

¶11. (C) Li described in more detail the operations of EARI in 2005. He said that the leader, Hou Wenzhou, received about 10,000 RMB a month from the National Endowment for Democracy. From that, a "typical" activist received RMB 1,000-2,000, while the most specialized lawyers received RMB 4,000. Li mentioned the help of government leaders such as Gao Zhan, a director from the State Reform Council, who advises the group on possible government reaction to their activities. Li also confirmed previous reports that activists from the Panyu region were "critical figures" who connected the complaints of villages from Taishi with Beijing activists and who have helped spread protest tactics to Foshan.

¶12. (U) For a good summary of the Sanshan background, see: [http://www.washingtonpost.com/wp-dyn/content/article/2005/11/11/AR200511110193\\_4\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2005/11/11/AR200511110193_4_pf.html)

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